

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

JUSTIN TURCHECK,)	
Institutional ID No. 48264-177,)	
)	
Plaintiff,)	
)	
V.)	CIVIL ACTION NO.
)	1:16-CV-061-C
UNITED STATES OF AMERICA,)	ECF
)	
Defendant.)	

ORDER

The United States Magistrate Judge entered a Report and Recommendation on October 12, 2017, and Plaintiff filed no objections.¹

The undersigned United States District Judge has reviewed the Report and Recommendation for clear error and, finding none, accepts and adopts the findings, conclusions, and recommendation of the Magistrate Judge.

It is, therefore, **ORDERED** that Defendant's Motion to Dismiss (doc. 20) under Fed. R. Civ. P. 12(b)(1) and (6), or alternatively, under Fed. R. Civ. P. 12(b)(1) and 56 is **GRANTED**. Plaintiff's complaint and all claims alleged therein are **DISMISSED WITH PREJUDICE**. Plaintiff's Motion for Monetary Reimbursement (doc. 26), and any relief not expressly granted by this Order is **DENIED**.

Judgment shall be entered accordingly.

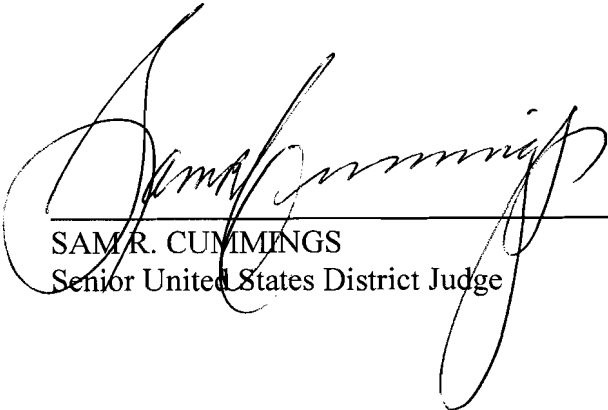
¹The Court notes that the envelope containing the Report and Recommendation that was addressed to Plaintiff at his last known address was returned to the Clerk on October 23, 2017, marked "Return to Sender. Refused. Unable to Forward." Moreover, Plaintiff did not file objections to Defendant's Motion to Dismiss prior to entry of the Report and Recommendation.

Dismissal of this action does not release Plaintiff or the institution where he is incarcerated from the obligation to pay any filing fee previously imposed. *See Williams v. Roberts*, 116 F.3d 1126, 1128 (5th Cir. 1997).

A copy of this order shall be sent to all parties appearing *pro se* by first class mail and to any attorney of record by first class mail or electronic notification.

Plaintiff is advised that if he appeals this Order, he will be required to pay the appeal fee of \$505.00 pursuant to the PLRA, and he must submit an application to proceed *in forma pauperis* and a 6-month Certificate of Inmate Trust Account at the same time he files his notice of appeal.

Dated October 30, 2017.



SAM R. CUMMINGS
Senior United States District Judge